

TITLE 07 – DEPARTMENT OF CULTURAL RESOURCES

Notice is hereby given in accordance with G.S. 150B-21.2 that the NC Department of Cultural Resources intends to amend the rule cited as 07 NCAC 04N .0202.

Agency obtained G.S. 150B-19.1 certification:

- ☒ OSBM certified on: January 31, 2013
☐ RRC certified on:
☐ Not Required

Link to agency website pursuant to G.S. 150B-19.1(c): <http://www.ncdcr.gov>

Proposed Effective Date: June 1, 2013

Public Hearing:

Date: March 4, 2013

Time: 2:00 P.M. – 2:30 P.M.

Location: Historic Sites Conference Room, Dobbs Building (second floor), 430 N. Salisbury Street, Raleigh, NC 27603

Reason for Proposed Action:

The Department of Cultural Resources Division of State Historic Sites proposes amending state rule 07 NCAC 04N .0202 State Historic Sites Fees. (See Appendix 1 for proposed rule text.) The rule change includes:

- (1) **Elizabeth II**
Fees for Elizabeth II (Section (e)) are being removed from the rule because the Roanoke Island Commission is exempt from Chapter 150B.

The Elizabeth II is no longer part of the Division of Historic Sites. It is part of the Roanoke Island Festival Park, which operates under the authority of the Roanoke Island Commission (RIC). RIC is exempt from Chapter 150B in regard to rules pursuant to GS 143B-131.2 (b) (9). RIC has the statutory authority to establish admission fees under subsection (b)(9) of that section.

- (2) **NC Transportation Museum**
The rule increases the admission fees at the North Carolina Transportation Museum (Museum) at Spencer by \$1.00. The proposed fees are as follows:
(a) *(General Admission: \$6.00 for adults; \$5.00 for seniors and active military; \$4.00 students (ages 3 to 12); and free for children (ages 0 to 2).*
(b) *Group Admission (15 or more visitors): \$5.00 for adults; \$4.50 for seniors and active military; \$2.50 for students (ages 3 to 12); and free for children (ages 0 to 2).*

The purpose of the amended rule is to increase an admission fee to offset some of the loss of appropriation resulting from Session Law 2012-142 effective July 1, 2012, and Session Law 2011-145 (appropriation bills for the fiscal biennium ending June 30, 2013).

Session Law 2011-145 Section 21.1 established the North Carolina Transportation Museum special fund (enterprise fund), which shall be used to pay all costs associated with the operation and maintenance Transportation Museum. All receipts derived from admissions and fees shall be credited to the fund.

During the 2011 Session, the Legislature cut the appropriation to the Museum by 50% (\$576,258) for FY 2011-12 and by 100% for FY 2012-13 with the intent of making operations receipt supported (see page J-12 of the 2011-12 Senate Appropriations Committee Report). The Governor's Recommended Budget for 2012-13 requested an additional \$400,000 in appropriations for the Museum; however, only \$300,000 of the request was approved by the legislature, essentially cutting the budget for this fiscal year by 74% (\$852,515). Because the additional \$100,000 in appropriations was not approved, the Museum must increase the admission fee by \$1.00 in each visitor category to cover part of its operating expenses.

The Department has sought to increase revenue at the Museum through other means besides the admission fee. In fiscal year 2011-12, the Museum had receipts from special events rides, facility rentals, the gift shop, donations, and memberships. The Museum has also sought to lease some of its property. The lease has taken months to go through the State approval process and is still awaiting approval.

The Museum has sought to reduce costs, the largest of which is personnel costs. In 2010-11, before budget cuts, the Museum had 18 permanent full time staff. In FY 2011-12, with a \$576,258 budget cut, staff was reduced by half, down to nine permanent full-time staff. In FY2012-13 with a cumulative budget cut of \$852,515, the Museum is

down to eight permanent full-time staff. However, these cost reductions and increase in receipts have not been enough to offset the loss in appropriated funds.

Sources:

1. 2012-13 Conference Report on the Continuation, Capital and Expansion Budgets – Page J 5
http://www.ncleg.net/sessions/2011/budget/2012/Conference_Committee_Report_2012-06-20.pdf
2. Governor's 2012-13 Recommended Budget Adjustments – Page 79
<http://osbm.nc.gov/thebudget>
3. 2011-12 Conference Report on the Continuation, Capital and Expansion Budgets – Page J 12
<http://www.ncleg.net/sessions/2011/budget/2011/MoneyReport-5-31-11.pdf>
4. SESSION LAW 2012-142
<http://www.ncleg.net/Sessions/2011/Bills/House/PDF/H950v7.pdf>
5. SESSION LAW 2011-145 – Pages 273 and 274
<http://www.ncleg.net/Sessions/2011/Bills/House/PDF/H200v9.pdf>
6. Elizabeth II – G.S. 143B-131.2(b)(9). Roanoke Island Commission – Purpose, powers, and duties.
<http://www.ncga.state.nc.us/gascripts/statutes/statutelookup.pl?statute=143B-131.2>

Procedure by which a person can object to the agency on a proposed rule: *Objections must be submitted in writing by mail. The objection must identify the specific reason for the objection including the negative impact(s) the amended rule change could have to stakeholders.*

Comments may be submitted to: Keith Hardison, Director, Division of State Historic Sites and Properties; 4620 Mail Service Center, Raleigh, NC 28699-4620

Comment period ends: April 16, 2013

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- ☐ State funds affected
- ☐ Environmental permitting of DOT affected
- ☐ Analysis submitted to Board of Transportation
- ☐ Local funds affected
- ☐ Date submitted to OSBM:
- ☐ Substantial economic impact (\geq \$500,000)
- ☒ Approved by OSBM
- ☒ No fiscal note required by G.S. 150B-21.4

CHAPTER 04 – DIVISION OF ARCHIVES AND HISTORY

SUBCHAPTER 04N - HISTORIC SITES REGULATIONS

SECTION .0200 - SITE HOURS: ADMISSION FEES

07 NCAC 04N .0202 STATE HISTORIC SITES FEES

(a) The following sites do not charge an admission fee:

- (1) Alamance Battleground,
- (2) Aycock Birthplace,
- (3) Bennett Place,
- (4) Bentonville Battleground,
- (5) Brunswick Town,
- (6) Caswell-Neuse,
- (7) Duke Homestead,

- (8) Fort Dobbs,
- (9) Fort Fisher,
- (10) Historic Halifax,
- (11) House in the Horseshoe,
- (12) Polk Memorial,
- (13) Reed Gold Mine,
- (14) Somerset Place,
- (15) Town Creek Indian Mound,
- (16) Vance Birthplace,
- (17) Charlotte Hawkins Brown Memorial,
- (18) Horne Creek Living History Farm.

(b) The following site charges an admission fee of five dollars (\$5.00) for adults, two dollars (\$2.00) for children, and one half off the regular admission price for groups of ten or more: Thomas Wolfe Memorial.

(c) The following site charges an admission fee of one dollar (\$1.00) for adults, twenty-five cents (\$0.25) for children: James Iredell House.

(d) The following site charges an admission fee of two dollars (\$2.00) for adults, one dollar (\$1.00) for children and one half off the regular admission price for groups of ten or more to each historic structure:

- (1) Historic Bath, Bonner House;
- (2) Historic Bath, Palmer-Marsh House.

~~(e) The following site charges an admission fee of three dollars (\$3.00) for adults, one dollar and fifty cents (\$1.50) for students, two dollars (\$2.00) for senior citizens, and fifty cents (\$0.50) off the regular admission price for groups of ten or more: Elizabeth II.~~

~~(f)~~(e) The North Carolina Transportation Museum at Spencer charges admission fees as follows:

- (1) General Admission: ~~Five dollars (\$5.00)~~ Six dollars (\$6.00) for adults; ~~four dollars (\$4.00)~~ five dollars (\$5.00) for seniors and active military; ~~three dollars (\$3.00)~~ four dollars (\$4.00) for students (ages 3 to 12); and free for children (ages 0 to 2).
- (2) Group Admission (15 or more visitors): ~~Four dollars (\$4.00)~~ Five dollars (\$5.00) for adults; ~~three dollars and fifty cents (\$3.50)~~ four dollars and fifty cents (\$4.50) for seniors and active military; ~~one dollar and fifty cents (\$1.50)~~ two dollars and fifty cents (\$2.50) for students (ages 3 to 12); and free for children (ages 0 to 2).

~~(g)~~(f) The following site charges a gold panning fee of three dollars (\$3.00) per person and two dollars (\$2.00) for groups of ten or more: Reed Gold Mine.

Authority G.S. 121-7.3.